

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(916) 322-5387



December 28, 1983

ALL-COUNTY LETTER NO. 83-130

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WOOD v. WOODS PRESERVATION OF AFDC RECORDS

REFERENCE: ALL COUNTY LETTER 83-91, DATED AUGUST 29, 1983; ALL COUNTY  
INFORMATION NOTICES I-26-80, DATED FEBRUARY 29, 1980 AND  
I-134-80, DATED DECEMBER 15, 1980

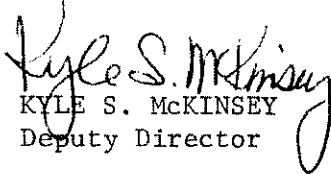
This letter transmits a copy of an order issued on November 22, 1983 by the Superior Court of San Mateo County in the Wood v. Woods case (Attachment A). The Wood case challenged former AFDC regulations which required the spouse's community property interest in the income of a non-adoptive stepparent to be considered unconditionally available to the spouse for the support of the stepchildren living in the home. The trial court ruled in favor of the Department and plaintiffs appealed. The Court of Appeal reversed the decision of the trial court, upholding the plaintiff's challenge to the regulation. In addition, the Court of Appeal ruled that the affected class was entitled to retroactive benefits for the period from January 1, 1980 to October 1, 1981. The Court of Appeal remanded the case to the Superior Court for an order consistent with its ruling. We anticipate that the order will be issued in the near future.

The November 22, 1983 Superior Court order enjoins counties from destroying case files or other records for the class members who were affected during the retroactive period. It also requires counties to retain any information (lists or reports) which would identify persons whose grants or eligibility were affected by the stepparent regulations at issue during the period January 1, 1980 to October 1, 1981. The class members affected are AFDC recipients whose AFDC benefits were reduced, terminated, or denied during the retroactive period because of the Department's stepparent regulations which required the assumption that the community property interest of a parent in a stepparent's income was unconditionally available to meet the needs of the stepchildren. The class does not include persons who were in an Assistance Unit of which the stepparent was also a member. The order requires that you retain all existing records for the retroactive period, but it does not require that new lists or computer tapes be created.

The order also requires that each county department provide a written statement to State Department of Social Services (SDSS) within 30 days of the date of this letter, setting forth what steps have been or will be taken to comply with paragraphs one and two of the order. We have attached a brief report form for this purpose (Attachment B).

Pursuant to the attached order, you are instructed to comply with paragraphs one and two of the order and to report compliance by completing and returning the attached form to SDSS no later than January 30, 1984.

If you have any questions, please contact Joe Carleton at (916) 322-5387.

  
KYLE S. McKINSEY  
Deputy Director

Attachment

cc: CWDA

WOOD v. WOODS

This form must be completed and returned to State Department of Social Services on or before January 31, 1984. Please refer to the indicated paragraph in the November 22, 1983, Wood v. Woods order for preservation of files and records when completing this form. Attach additional sheets as necessary.

1. Steps taken and/or proposed to retain case files (paragraph 1).

2. Steps taken and/or proposed to preserve and retain computerized information and/or other reports or lists (paragraph 2).

Return completed form to: AFDC Program Development Bureau  
State Department of Social Services  
744 P Street, M.S. 16-25  
Sacramento, CA 95814

Attention: Joe Carleton

Your Name (print)	Date
Signature	Phone Number
County	

ENDORSED

NOV 22 1983

FILED  
MARVIN CHURCH, COUNTY CLERK  
BY                       
                    

PETER H. REID  
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Telephone: (415) 365-8522

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

DONNA JEAN WOOD, et al.,

Plaintiffs,

vs.

MARION J. WOODS, etc.,

Defendants.

No. 240331

STIPULATION AND ORDER FOR  
PRESERVATION OF FILES AND  
RECORDS PENDING DISTRIBUTION  
OF RETROACTIVE BENEFITS

IT IS HEREBY STIPULATED AND AGREED by the parties, through their respective counsel, that, during the pendency of this action, or until the final determination thereof, or until the Court shall otherwise order, the defendants, their successors in office, agents, assigns, employees, and all persons acting in concert with them, or subject to their control and supervision including employees of county welfare departments, shall be, and hereby are, enjoined and restrained as follows from:

1. Destroying any case files or other records which contain information regarding persons who were affected by the defendants' stepparent regulations which required the assumption that the community property interest of a parent in a stepparent's income

1 was unconditionally available to meet the needs of the stepchildren  
2 during the period from January 1, 1980 until October 1, 1981.

3 2. Failing to preserve and retain any information which is  
4 currently in computerized form, such as that appearing on the  
5 WICMIS file or the Case Data System, or any other reports or lists,  
6 computerized or non-computerized, that would identify persons whose  
7 grants or eligibility were affected by defendants stepparent  
8 regulation during the period from January 1, 1980 until October 1,  
9 1981. The information may be preserved and retained by the  
10 preservation of any existing computer tapes themselves on which  
11 information is stored, by the making of computer tapes which  
12 contain the information relevant to members of the plaintiff class  
13 only, or by the making of a hard copy (i.e., on paper) record of the  
14 relevant information from the computer tapes. This stipulation and  
15 order shall not be construed to require the production of new  
16 computer tapes from current hard copy records;


17 IT IS FURTHER ORDERED that defendants shall effectuate this  
18 order as follows: *21* *S. 21*

19 A. Within ~~10~~ *21* days of the date of this order, defendants  
20 shall transmit a copy of this stipulation and order to each county  
21 welfare department together with instructions immediately to  
22 effectuate paragraphs 1 and 2 above.

23 B. The instructions set forth in paragraphs A above shall  
24 instruct the counties to file a written statement within 30 days of  
25 the transmittal of this stipulation and order indicating what steps  
26 they have taken and plan to take to comply with the instructions.

1 Defendants shall serve these statements on plaintiffs within 10  
2 days of the deadline for response.

3 DATED: 12 Oct 1983

  
PETER H. REID  
Attorney for Plaintiffs

6 DATED: Nov 1 1983

  
STEPHANIE WALD  
Attorney for Defendants

9 IT IS SO ORDERED

10 DATED: NOV 10 1983

ALLAN J. BOLLHOFER  
JUDGE OF THE SUPERIOR COURT